

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES EVERETT SHELTON

Plaintiff,
v.
FAST ADVANCE FUNDING LLC

Defendant.

Case No. 2:18-cv-02071-CFK

Honorable Chad F. Kenney

REO LAW, LLC

By: Bryan Anthony Reo
P.O. Box 5100
Mentor, OH 44061
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Attorney for James Everett Shelton

**PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S
PROPOSED POINT FOR CHARGE**

Plaintiff, by and through the undersigned attorney, hereby makes this motion pursuant to F.R.C.P 12(f) on the basis that the Defendant has filed, on 4/29/2019, a proposed jury instruction which explicitly references one of Plaintiff's other cases, in violation of the motion in limine granted by this Court on 4/23/2019 [entry number 55] which excludes Defendant from offering into evidence anything from Plaintiff's other litigation. *Shelton v Target Advance Funding* is within the category of "Plaintiff's other litigation."

The proposed point of charge would also violate the other motion in limine granted on 4/23/2019 prohibiting defendant from offering into evidence anything that would refute or be contrary to the requests for admissions which this court has deemed admitted. One of the requests

for admission, #15 is “admit to all allegations factual and legal contained in Plaintiff’s complaint.” Within Plaintiff’s complaint is a statement that the phone in question is Plaintiff’s personal cellular telephone and that it is not a business phone. Defendant has admitted to this fact and cannot now ask the jury to find differently because Defendant is not entitled to present any evidence to the contrary and thus is not entitled to have the jury make a finding based on no evidence because Defendant is not allowed to offer any evidence that is contrary to that admission.

A proposed order accompanies this motion.

RESPECTFULLY SUBMITTED,

/s/ BRYAN ANTHONY REO

REO LAW LLC

By: Bryan Anthony Reo (#0097470)

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Attorney for Plaintiff James Everett Shelton

Certificate of Service

I, Bryan Anthony Reo, do hereby certify and affirm that a true and accurate copy of the foregoing document was submitted to the Court's Electronic Filing System on April 29, 2019, which should serve said document upon all attorneys of record for the instant civil action:

/s/ BRYAN ANTHONY REO
REO LAW LLC
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Attorney for Plaintiff James Shelton

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**PROPOSED ORDER GRANTING PLAINTIFF'S MOTION TO STRIKE
DEFENDANT'S PROPOSED POINT OF CHARGE**

THIS MATTER came to be considered by the Court pursuant to the Plaintiff's Motion to Strike Defendant's Proposed Point of Charge filed by Plaintiff in the above-captioned cause. The Court having considered the Motion and being fully advised of the premises, it is, therefore,

ORDERED and ADJUDGED:

1. That Plaintiff's Motion to Strike Defendant's Proposed Point of Charge is hereby granted.
2. The Defendant's proposed point of charge, docket #55 is hereby stricken as of the date of the entry of this order.

DONE AND ORDERED in Chambers at Philadelphia, Pennsylvania this ____ day of _____, 2019.

CHAD F. KENNEY, JUDGE UNITED STATES DISTRICT COURT EASTERN
DISTRICT OF PENNSYLVANIA

Copies to:

Bryan Anthony Reo

John Hartley